

REMARKS

Initially, Applicant points out that the copy of the Form PTO-1449 submitted on November 7, 2003 that was included with the Office Examiner did not include the Examiner's initials next to U.S. Patent No. 6,012,160 to Dent. Therefore, Applicant respectfully requests that the Examiner consider the above-mentioned patent and forward a further initialed copy of the Form PTO-1449 to Applicant.

Claim 1 was objected to for an informality. Claim 1 has been canceled, thereby rendering the objection moot. Claim 2, which now incorporates limitations from canceled claim 1, has been amended appropriately to avoid the same objection.

Claims 8–13 were objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 8–11 have been canceled herein to obviate the objection. Claims 12 and 13 have been amended.

Claims 1–3 and 5–13 were rejected under 35 U.S.C. 102(e) over U.S. Patent No. 6,434,718 to Kawahara et al. (hereinafter “Kawahara”). Claims 1, 3 and 8–11 have been canceled. Claim 2 has been amended to place it in independent form, including the limitations of canceled claim 1. Claims 12 and 13 have been amended to place them in independent form. For the following reasons, the rejection is respectfully traversed as it applies to claim 2 and 5–7.

Regarding claim 2, Kawahara does not teach a transmission coding method “wherein first process ‘convolution coding *and* addition of CRC check codes’ is performed for bits classified as the first class,” as required. As pointed out by the Examiner, Kawahara teaches applying error correction encoding to class data having a higher sensitivity to error. Kawahara also teaches adding an error detection code to class data having a lower sensitivity to error. It is respectfully pointed out that Kawahara does not explicitly teach applying *both* an error-detection code and error correction encoding to the same data. Moreover, with reference to column 4, lines 61–64,

Kawahara states that: “In this case, the frame-forming data error protection processing part 102 can perform error correction encoding of frame-forming data, *or* it can simply add an error detection code” (emphasis added). Thus, Kawahara teaches applying either error correction encoding *or* an error detection code, but not both as specifically required by claim 2. Therefore, since every limitation of the claim is not taught by the reference, claim 2 is not fully anticipated by Kawahara and the rejection cannot stand. Further, since claims 5–7 each depend, either directly or indirectly, from claim 2, they are not anticipated by Kawahara for the same reasons.

Further, regarding claim 5, Kawahara does not teach that classes are “grouped in *descending order* of the degree of degradation of decoding quality in the presence of a transmission error,” as required. As pointed by the Examiner, Kawahara teaches grouping data into classes according to the error protection method to be applied. Applicant respectfully submits however, Kawahara does not teach providing the classes in a particular order, as specifically required by claim 5. For this additional reason, every limitation of the claim is not taught by the reference and therefore claim 5 is not fully anticipated by Kawahara and the rejection cannot stand.

Further, regarding claim 6, Kawahara does not teach using “Viterbi decoding,” as required. Kawahara merely describes encoding data by interleaving, but does not specify what kind of decoder is used, Viterbi or otherwise. Thus, for this additional reason, every limitation of the claim is not taught by the reference, and therefore claim 6 is not fully anticipated by Kawahara.

Claim 4 was rejected under 35 U.S.C. 103(a) over Kawahara in view of U.S. Patent No. 6,356,545 to Vargo et al. (hereinafter “Vargo”). Claim 4 has been amended to depend from claim 2 and for the following reasons, the rejection is respectfully traversed.

Regarding claim 4, every limitation of the claim is not taught by Kawahara the reasons described above with regard to claim 2, from which amended claim 4 depends. Further, there is no suggestion in Kawahara to apply *both* an error-detection code and error correction encoding to the same data. Further, Vargo does not teach or suggest modifying Kawahara to include this feature. Therefore, since every limitation of the claim is not taught or suggested by Kawahara, Vargo or any combination thereof, claim 4 is patentable over the prior art of record.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 35848.

Respectfully submitted,

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